BILL NO. Z-70-03-20

ZONING MAP ORDINANCE NO. Z-128-70

AN ORDINANCE amending the Official City of Fort Wayne Zoning Map dated September 16, 1969.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the areas described as follows are hereby designated an "M1" District and an "M2" District respectively, under the terms of Chapter 36, Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended by General Ordinance No. 2836; and the symbols on the "Official City of Fort Wayne Zoning Map" dated September 16, 1969, referred to therein, established by Section 9, Article III of said Chapter as amended, are hereby changed accordingly, to-wit:

M1 District - The south 400 feet of the north 500 feet of the part of the following described real estate that lies in Section 32, and the part thereof in Section 33 that lies north of a line which is 500 feet south of, and parallel to the north line of the southwest quarter of Section 33, Township 30 North, Range 12 East in Allen County, Indiana.

M2 District - The South half of Section 32, and the following described part of the West half of Section 33, all of Township 30 North, Range 12 East, to-wit: Beginning at the Southwest corner of said Section 33, thence north on the west line thereof, 3544.5 feet, thence east 1146 feet, thence south 65 degrees east, 680.6 feet to the centerline of Indiana Highway No. 3 as now established.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and legal publication thereof.

APPROVED AS TO FORM
AND LEGALITY.

CITY ATTORNEY

Read the first time in full and on motion by Dunifon seconded by Rousseau and duly adopted, read the second time by title and referred to the (Committee on) Regulations (and to the City Plan Commission for recommendation) ~~(and Public Hearing to be held after due legal notice,~~ at the Council Chambers, City Hall, Fort Wayne, Indiana, on ~~the~~ ~~day of~~ 196 , at ~~o'clock P.M., E.S.T.~~

Date: 3-10-70 Fred G. Bonahoom
City Clerk

Read the third time in full and on motion by Dunifon seconded by Rousseau and duly adopted, placed on its passage.

Passed (~~LOST~~) by the following vote:

AYES 7,	NAYS 0,	ABSTAINED ,	ABSENT 2 to-wit:
Adams ✓			
Dunifon ✓			
Fay ✓			
Geake ✓			
Nuckols ✓			
Robinson ✓			
Rousseau ✓			
Steigerwald ✓			
Tipton ✓			

Date 12-15-70 Fred G. Bonahoom
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map)(~~General~~)(Annexation)(Special)(~~Appropriation~~) Ordinance (~~Resolution~~) No. Z-128-70 on the 15th day of December, 1970.

ATTEST: (SEAL)
Fred G. Bonahoom
City Clerk

Herbert R. Tipton
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 16th day of December, 1970 at the hour of 8:30 o'clock A.M.,E.S.T.

Fred G. Bonahoom
City Clerk

Approved and signed by me this 22nd day of December, 1970, at the hour of 4:01 o'clock P.M.,E.S.T.

Harold S. Zeis
Mayor

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on March 10, 1970, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-70-03-20; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on March 16, 1970;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO PASS for the reasons that a need has been shown for the Land Use Plan to be amended, the amendment will be in the best interest of and benefit to the area involved and of and to the city, and the amendment will not be detrimental to and does not conflict with the overall city plan;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held March 23, 1970.

Certified and signed this 14th day of December 1970.

Mary Ann Haynie

Mary Ann Haynie
Secretary

Bill No. Z-70-03-20

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance amending the Official City of Fort Wayne Zoning Map dated September 16, 1969,

have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS.

JACK K. DUNIFON, Chairman

EDWIN J. ROUSSEAU, Vice-Chairman

THOMAS G. ADAMS

WILLIAM K. GEAKE

PHIL A. STEIGERWALD

CONCURRED IN

DATE 12-15-70 FUAD G. BONAHOOM, CITY CLERK

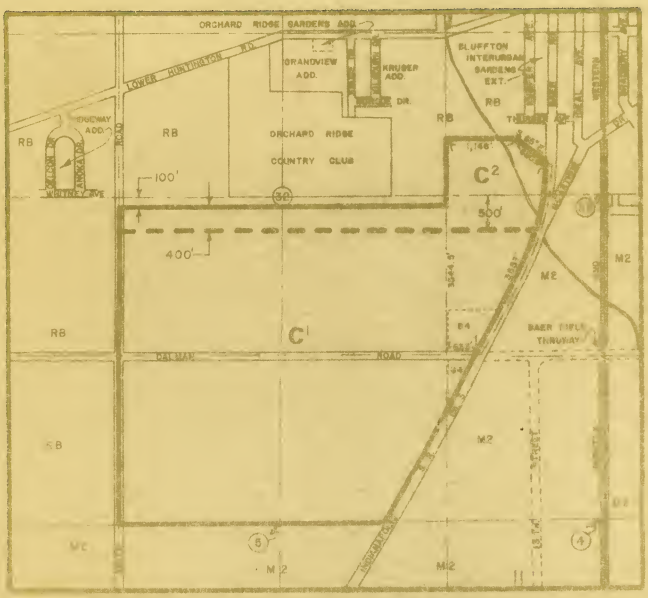
$ 25.00 Feb. 19 19 7 No.

RECEIVED OF Livingston, Kilderie, Haynie & Yoder

Twenty Five and no/100 DOLLARS

Re: Tracts.

BY K. Ostrom



C² CHANGE FROM RB AND B4 TO M2

C¹ CHANGE FROM RB TO M1

PETITION TO REZONE

The undersigned, being the owners of more than fifty-one percent (51%) of the real estate hereinafter described, do hereby respectfully petition the Common Council of the City of Fort Wayne, Indiana, to enact an ordinance to reclassify, from an R-B district to an M-1 district the south 400 feet of the north 500 feet of the part of the following described real estate that lies in Section 32, and the north 500 feet of the part thereof that lies in Section 33, all of Township 30 North, Range 12 East in Allen County, Indiana and the remainder thereof from an R-B and B-4 district to an M-2 district, to-wit:

The following described part of Wayne Township in Allen County, Indiana, to-wit:

The South half of Section 32, and the following described part of the West half of Section 33, all of Township 30 North, Range 12 East, to-wit:

Beginning at the Southwest corner of said Section 33, thence north on the west line thereof, 3544.5 feet, thence east 1146 feet, thence south 65 degrees east, 680.6 feet to the centerline of Indiana Highway No. 3 as now established, thence south and westerly along the centerline of said highway 3557 feet to the south line of said Section 33; thence west on the south line of said Section 633 feet to the place of beginning, containing in all 112.18 acres, excluding that part as is included in the right of way of said Indiana Highway No. 3, the remaining area equals 108.83 acres;

AND

The following described part of Pleasant Township in Allen County, Indiana, to-wit:

The part of the North half of Section 5, Township 29 North, Range 12 East that lies West of State Road No. 3, and the following described part of the West half of Section 4, Township 29 North, Range 12 East, to-wit:

Beginning at the Northwest corner of Section 4, Township 29 North, Range 12 East, thence running south 11 chains and 31 links to the Southwest corner of the North half fractional of the Northwest 1/4 of said Section; thence East one chain and 98 links to the West side of Fort Wayne and Indianapolis state road; thence on a Northeastern course along the West side of said road 12 chains and 94 links to the North line of said Section; thence West on the Section line 8 chains, 47 links to the place of beginning, containing 5.90 acres.

Also, commencing at the Northwest corner of the South half of the Northwest 1/4 of Section 4, Township 29 North, Range 12 East, thence East 2.38 chains to the center of the Indianapolis state road; thence Southwesterly along the center of the road to the West line of said South half of the Northwest 1/4; thence North on said West line 3.94 chains to the place of beginning containing .47 acres.

A xerox copy of the part of the zoning map of the City of Fort Wayne, showing the subject real estate, is attached hereto, made a part hereof, and marked Exhibit "A".

Dated this ____ day of February, 1970.

John J. Burris (John J. Burris) and Ruth Burris (Ruth Burris)

Alva R. Johnloz (Alva R. Johnloz) and Helen Johnloz (Helen Johnloz)

(signatures continued on Page 3)

(Milburn Pool)
Unmarried

and Max Buskirk
(Max Buskirk) Executor of the Estate of Lavona Buskirk

(James T. Keller)

and (Loretta M. Keller)

(Max G. McCoy)

and (Mary E. McCoy)

Clayton R. Dafforn
(Clayton R. Dafforn)

and Edith L. Dafforn
(Edith Dafforn)

Larry G. Dafforn
(Larry G. Dafforn)

and Patsy J. Dafforn
(Patsy J. Dafforn)

Ollie M. Dafforn
(Ollie M. Dafforn)
Unmarried

(Clair Buskirk)

and Dorothy N. Buskirk
(Dorothy Buskirk)

LIVINGSTON, DILDINE, HAYNIE & YODER

By William P. Fagan
(William P. Fagan)

Attorneys for Petitioner

425 Lincoln Bank Tower
Fort Wayne, Indiana 46802
Tele: 742-8341

PETITION TO REZONE

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The following described part of Wayne Township in Allen County, Indiana, to-wit:

The South half of Section 32, and the following described part of the West half of Section 33, all of Township 30 North, Range 12 East, to-wit:

Beginning at the Southwest corner of said Section 33, thence north on the west line thereof, 3544.5 feet, thence east 1146 feet, thence south 65 degrees east, 680.6 feet to the centerline of Indiana Highway No. 3 as now established, thence south and westerly along the centerline of said highway 3557 feet to the south line of said Section 33; thence west on the south line of said Section 633 feet to the place of beginning, containing in all 112.18 acres, excluding that part as is included in the right of way of said Indiana Highway No. 3, the remaining area equals 108.83 acres;

AND

The following described part of Pleasant Township in Allen County, Indiana, to-wit:

The part of the North half of Section 5, Township 29 North, Range 12 East that lies West of State Road No. 3, and the following described part of the West half of Section 4, Township 29 North, Range 12 East, to-wit:

> Beginning at the Northwest corner of Section 4, Township 29 North, Range 12 East, thence running south 11 chains and 31 links to the Southwest corner of the North half fractional of the Northwest 1/4 of said Section; thence East one chain and 98 links to the West side of Fort Wayne and Indianapolis state road; thence on a Northeastern course along the West side of said road 12 chains and 94 links to the North line of said Section; thence West on the Section line 8 chains, 47 links to the place of beginning, containing 5.90 acres.
>
> Also, commencing at the Northwest corner of the South half of the Northwest 1/4 of Section 4, Township 29 North, Range 12 East, thence East 2.38 chains to the center of the Indianapolis state road; thence Southwesterly along the center of the road to the West line of said South half of the Northwest 1/4; thence North on said West line 3.94 chains to the place of beginning containing .47 acres.

A xerox copy of the part of the zoning map of the City of Fort Wayne, showing the subject real estate, is attached hereto, made a part hereof, and marked Exhibit "A".

Dated this ____ day of February, 1970.

John J. Burris (John J. Burris) and Ruth Burris (Ruth Burris)

Alva R. Johnloz (Alva R. Johnloz) and Helen Johnloz (Helen Johnloz)

(signatures continued on Page 3)

(Milburn Pool)
Unmarried

and

(Max Buskirk) Executor
of the Estate of
Lavona Buskirk

(James T. Keller)

and

(Loretta M. Keller)

(Max G. McCoy)

and

(Mary E. McCoy)

Clayton R. Dafforn
(Clayton R. Dafforn)

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Edith L. Dafforn
(Edith Dafforn)

Larry G. Dafforn
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(Patsy J. Dafforn)

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(Ollie M. Dafforn)
Unmarried

(Clair Buskirk)

and

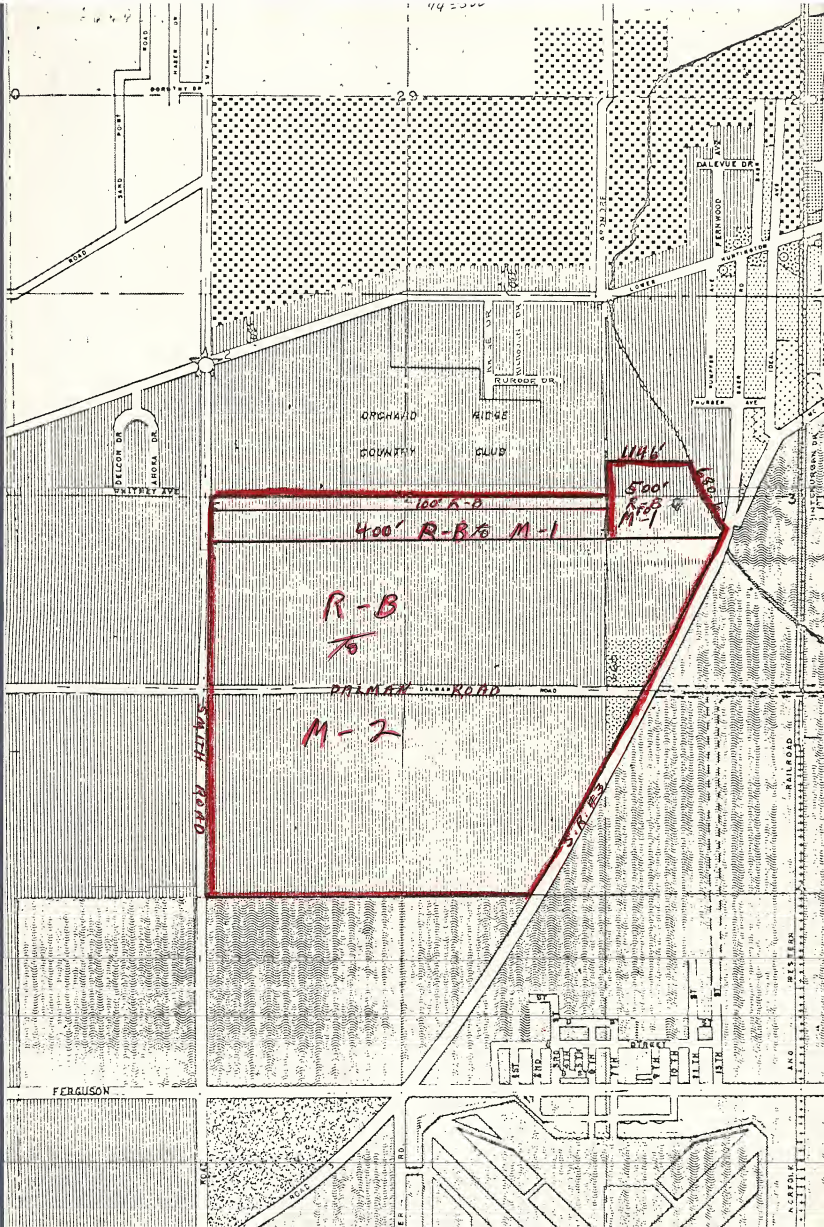
(Dorothy Buskirk)

LIVINGSTON, DILDINE, HAYNIE & YODER

By William P. Fagan
(William P. Fagan)

Attorneys for Petitioner

425 Lincoln Bank Tower
Fort Wayne, Indiana 46802
Tele: 742-8341



29
DALEVUE DR
FERNWOOD
RURODE DR
ORCHARD RIDGE
COUNTRY CLUB
DELCON DR
AHOKA DR
1146'
500'
R-B to M-1
100' R-B
400' R-B to M-1
R-B
To
M-2
PALMAN ROAD
SMITH ROAD
S.R. #3
RAILROAD
FERGUSON

Form Prescribed by State Board of Accounts

General Form No. 99 P (Rev. 1967)

Common Council-City of Ft. Wayne
(Governmental Unit)

Allen County, Ind.

To JOURNAL-GAZETTE Dr.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines		
Head	number of lines	-
Body	number of lines	93
Tail	number of lines	1
	Total number of lines in notice	94

COMPUTION OF CHARGES

94 lines, columns wide equals equivalent lines at 288¢ cents per line	$ 27.07
Additional charge for notices containing rule or tabular work (50 per cent of above amount)	
Charge for extra proofs of publication (50 cents for each proof in excess of two)	
TOTAL AMOUNT OF CLAIM	$ 27.07

DATA FOR COMPUTING COST

Width of single column 11 ems	Size of type 5½ point
Number of insertions 2	Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Arvilla DeWald

Date January 8, 19 71

Title CLERK

Notice is hereby given that on the 15th day of December, 1970, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session, did pass the following Zoning Map ordinance, to-wit:
Bill No. Z-70-03-20
ZONING MAP ORDINANCE NO. Z-128-70
AN ORDINANCE amending the Official City of Fort Wayne Zoning Map dated September 16, 1965
BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:
SECTION 1. That the areas described as follows are hereby designated an "M-1" District and an "M-2" District respectively, under the terms of Chapter 36, Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended by General Ordinance No. 3836, and the symbols on the "Official City of Fort Wayne Zoning Map" dated September 16, 1969, referred to therein, established by Section 9, Article III of said Chapter as amended, are hereby changed accordingly, to-wit:
M-1 District—The South 400 feet of the north 500 feet of the part of the following described real estate that lies in Section 32, and the part thereof in Section 33 that lies north of a line which is 500 feet south of, and parallel to the north line of the southwest quarter of Section 33, Township 30 North, Range 12 East in Allen County, Indiana.
M-2 District — The South half of Section 32, and the following described part of the West half of Section 33, all of Township 30 North, Range 12 East, to-wit: Beginning at the Southwest corner of said Section 33; thence north on the west line thereof, 3544.5; thence east 1146 feet; thence south 65 degrees east, 680.6 feet to the centerline of Indiana Highway No. 3 as now established.
SECTION 2. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and legal publication thereof.
Jack K. Dunifon, Councilman.
Read the third time in full and on motion by Dunifon seconded by Rousseau and duly adopted, placed on its passage. Passed by the following vote:
Ayes seven.
Adams, Dunifon, Geake, Nuckols, Rousseau, Stelgerwald, Tipton.
Nays none.
Absent two, to-wit: Councilmen Fay and Robinson.
Date: 12-15-70
Fuad G. Banahoom, City Clerk.
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Zoning Map Ordinance No. Z-128-70 on the 15th day of December, 1970.
ATTEST: (SEAL)
Fuad G. Banahoom, City Clerk.
Herbert G. Tipton, Presiding Officer.
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 16th day of December, 1970 at the hour of 8:30 o'clock A.M., E.S.T.
Fuad G. Banahoom, City Clerk.
Approved and signed by me this 22nd day of December, 1970, at the hour of 4:01 o'clock P.M., E.S.T.
Harold S. Zeis, Mayor.
I, Fuad G. Banahoom, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true, and complete copy of Zoning Map Ordinance No. Z-128-70 passed by the Common Council on the 15th day of December, 1970, and that said Ordinance was duly signed, and approved by the Mayor on the 22nd day of December, 1970 and now remains on file and on record in my office.
Witness my hand, and the official seal of the City of Fort Wayne, Indiana, this 22nd day of December, 1970.
SEAL.
Fuad G. Banahoom, City Clerk.
12-28 1-4

PUBLISHER'S AFFIDAVIT

State of Indiana } ss:
ALLEN County }

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the JOURNAL-GAZETTE a DAILY newspaper of general circulation printed and published in the English language in the city (town) of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time(s), the dates of publication being as follows:

December 28, 1970
January 4, 1971

Arvilla DeWald

Subscribed and sworn to before me this 8th day of January 19 71

Edith Stapleton
Notary Public

My commission expires March 8, 1974

Form Prescribed by State Board of Accounts

General Form No. 99 P (Rev 1967)

Common Council- City of Ft.Wayne
(Governmental Unit)

To NEWS-SENTINEL Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

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Additional charge for notices containing rule or tabular work (50 per cent of above amount)	
Charge for extra proofs of publication (50 cents for each proof in excess of two)	
TOTAL AMOUNT OF CLAIM	$ 27.07

DATA FOR COMPUTING COST

Width of single column 11 ems — Size of type 5½ point

Number of insertions 2 — Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

A. M. Hostman

Date January 8, 1971 — Title Clerk

Notice is hereby given that on the 15th day of December, 1970, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session, did pass the following Zoning Map ordinance, to-wit:

Bill No. Z-70-03-20

ZONING MAP ORDINANCE NO. Z-128-70

AN ORDINANCE amending the Official City of Fort Wayne Zoning Map dated September 16, 1969.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

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SECTION 2. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and legal publication thereof.

Jack K. Dunifon, Councilman.

Read the third time in full and on motion by Dunifon seconded by Rousseau and duly adopted, placed on its passage. Passed by the following vote:

Ayes seven.

Adams, Dunifon, Geake, Nuckols, Rousseau, Steigerwald, Tipton.

Nays none.

Absent two, to-wit: Councilman Fay and Robinson.

Date: 12-15-70

Fuad G. Bonahoom, City Clerk.

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Zoning Map Ordinance No. Z-128-70 on the 15th day of December, 1970.

ATTEST: (SEAL)

Fuad G. Bonahoom, City Clerk.

Herbert G. Tipton, Presiding Officer.

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 16th day of December, 1970 at the hour of 8:30 o'clock A.M., E.S.T.

Fuad G. Bonahoom, City Clerk.

Approved and signed by me this 22nd day of December, 1970, at the hour of 4:01 o'clock P.M., E.S.T.

Harold S. Zels, Mayor.

I, Fuad G. Bonahoom, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true, and complete copy of Zoning Map Ordinance No. Z-128-70 passed by the Common Council on the 15th day of December, 1970, and that said Ordinance was duly signed, and approved by the Mayor on the 22nd day of December, 1970 and now remains on file and on record in my office.

Witness my hand, and the official seal of the City of Fort Wayne, Indiana, this 22nd day of December, 1970.

SEAL

Fuad G. Bonahoom, City Clerk.

12-28 1—4

PUBLISHER'S AFFIDAVIT

State of Indiana } ss:
ALLEN County }

Personally appeared before me, a notary public in and for said county and state, the undersigned A. M. Hostman who, being duly sworn, says that She is Clerk of the NEWS-SENTINEL

a DAILY newspaper of general circulation printed and published in the English language in the city (town) of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time, the dates of publication being as follows:

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January 4, 1971

A. M. Hostman

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Edith Stapleton
Notary Public

My commission expires March 8, 1974